

#### **IV.**

#### **D. C. FIRE/EMS DIVERSITY MANAGEMENT PROGRAM BULLETIN NO. 18**

District of Columbia  
Fire and Emergency Medical Services Department

Bulletin No. 18  
Diversity Management Program



Building Unity Through Understanding

DISTRICT OF COLUMBIA  
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

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**SEPTEMBER 1996**

**BULLETIN No. 18**

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Diversity Management Program

This Bulletin is provided to inform the employees of this Department of various avenues of additional assistance provided to them. Also, to provide an in-depth explanation of this Department's commitment to "Zero Tolerance for Discrimination".

Cultural diversity is defined as the difference in race, sex, ethnicity, language, nationality, or religion among various groups within a community, organization, or nation. Washington, D. C. is said to be culturally diverse and its residents include members of different groups. This is the environment in which the emergency care providers of the District of Columbia Fire and EMS Department must operate.

Sensitivity to cultural diversity has continued to be an integral component of the Department's training curriculum. We are determined to bring to all employees an understanding of how biases, prejudices, and stereotypes can negatively impact emergency operations. This effort will help establish a set of academic and interpersonal skills that allow these individuals to increase their understanding and appreciation of cultural differences and similarities within, among, and between groups, though most cultural rules are never written.

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### **Zero Tolerance for Discrimination**

As Chief of the District of Columbia Fire and Emergency Medical Services Department, I hereby express to all employees my commitment and that of the entire agency to a policy of zero tolerance for discrimination. All supervisors and employees of this agency will actively support and enforce the laws against discrimination as they relate to members of this agency, the citizens of the District of Columbia, or anyone else we serve.

Discrimination is illegal and violates local and federal law. Discrimination creates a negative atmosphere which decreases productivity, diminishes morale, destroys professionalism, and undermines the integrity of an organization. Therefore, I regard adherence to and enforcement of the laws against discrimination as the legal responsibility and professional obligation of all employees.

The leadership of this agency is committed to teaching workers about inclusion, respect, treating people with dignity and fairness, being responsive to the needs of diverse communities, increasing knowledge and understanding of different cultures, and providing professional and equal care for all of our clients.

Under this zero tolerance policy, no one will be discriminated against because of age, color, disability, gender, marital status, medical condition, national origin, race, religion, sexual orientation, family responsibility, personal appearance, or political affiliation. I will not condone the refusal of any member of this agency to provide emergency services in an acceptable and professional manner. I will exercise my disciplinary authority swiftly and sternly under the law against any employee of this organization proven to have discriminated against any individual.

This agency's commitment to zero tolerance for discrimination is consistent with the Mayor's belief that everyone matters.

Ronnie Few  
Acting Fire/EMS Chief

## Section 2

### Equal Employment Opportunity Rules Governing Complaints of Discrimination in the District of Columbia Government

The Mayor of the District of Columbia pursuant to the District of Columbia Self-Government and Governmental Reorganization Act and Section 303 of D.C. Law 2-38, D.C. Code 1-2543 (1981) hereby gives notice of adoption as of the date of this publication in the D.C. Register of the *Equal Employment Opportunity Rules Governing Complaints of Discrimination in the District of Columbia Government*. Those rules were published as proposed rule making e changes were deemed necessary after consideration of comments received. These rules shall take effect upon publication of this Notice.

## Section 2

### COMPLAINTS OF DISCRIMINATION IN THE DISTRICT OF COLUMBIA GOVERNMENT

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### **100 SCOPE**

- 100.1 The provisions of this chapter shall apply to all District government agencies subject to the Act.

AUTHORITY: Unless otherwise noted the authority for the chapter is §303 of the District of Columbia Human Rights Act of 1977. DC Law 2-38 (DC Code § 1-2543)

SOURCE: Final rule making published at 31 DCR 56 (January 6, 1984).

### **COVERAGE**

- 101.1 The provisions of this chapter shall govern the processing of any matter involving discrimination on grounds of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap, or political affiliation in connection with any aspect of District Government employment.
- 101.2 The procedures set forth in this chapter shall apply to matters presently pending or hereafter filed with a District of Columbia agency.
- 101.3 Nothing in this chapter shall be construed to supersede any federal or District law nor to invalidate any proceedings commenced under the authority of any prior regulations.
- 101.4 Sexual harassment shall be deemed to be a form of sex discrimination which is prohibited under District laws and regulations, including this chapter.
- 101.5 Employees of the District of Columbia shall have certain rights to file complaints with the United States Equal Employment Opportunity Commission pursuant to §706 of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5, and to pursue remedies provided for in the Age Discrimination in Employment Act as amended, 29 U.S.C. §§626.633.

SOURCE: Final rule making published at 31 DCR 56 (January 6, 1984).

### **102 POLICY**

- 102.1 It shall be the policy of the Government of the District of Columbia in connection .with any aspect of District government employment to do the following:



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- (a) To prohibit sexual harassment;
- (b) To prohibit retaliation for filing Equal Employment Opportunity (EEO) complaints;
- (c) To provide equal employment opportunity for all persons; and
- (d) To prohibit discrimination in employment because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap, or political affiliation.

102.2 Sufficient resources shall be provided to administer the District's Equal Employment Opportunity program in a positive and effective manner.

102.3 A continuing program shall be conducted to eradicate every form of prejudice or discrimination based upon race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation family responsibilities, matriculation, physical handicap, or political affiliation in connection with any aspect of District government employment.

102.4 The head of each District government department and agency shall be required to take affirmative action within that department or agency to assure equal opportunity in every aspect of employment.

**SOURCE:** Final rule making published at 31 DCR 56, 58 (January 6, 1984).

### **103 RESPONSIBILITIES OF THE DIRECTOR, EEO**

103.1 In addition to other duties for purposes of this chapter, the Director, EEO shall advise the Mayor with respect to the preparation of plans, procedures, regulations, reports and other matters pertaining to the provisions of this chapter.

103.2 The Director, EEO shall prepare all reports in connection with the equal employment opportunity program as may be required by the Mayor or the U.S. Equal Employment Opportunity Commission.

103.3 The Director, EEO shall recommend changes in policy practices and procedures designed to eliminate discriminatory practices and to improve the Mayor's program for equal employment opportunity.

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- 103.4** The Director, EEO shall establish a system for periodically evaluating the effectiveness of the District government's overall equal employment opportunity program including the rules and when appropriate report to the Mayor with recommendations for any improvement or correction needed including remedial or disciplinary action with respect to managerial or supervisory employees who have failed to carry out the provisions of the chapter.
- 103.5 The Director, EEO shall prepare the model for affirmative action programs.
- 103.6 The Director, EEO shall consult with agency heads regarding the suitability of persons appointed or designated pending appointment or designation as departmental EEO Officers EEO Counselors Women's Program's Manager and Hispanic Program Coordinators.
- 103.7 The Director, EEO shall issue guidelines and procedures for counseling by an EEO Counselor of any aggrieved employee or applicant for employment who contends that he or she has been discriminated because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap or political affiliation in connection with any aspect of District government employment.
- 103.8 The Director, EEO shall receive and investigate complaints of alleged discrimination in personnel matters from employees who contend that they have been discrimination against because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap or political affiliation in connection with any aspect of District government employment.
- 103.9 The Director, EEO shall publicize to all District government employees the name and addresses of the Director, EEO, the District Government's Women's Program Manager and the Hispanic Program Coordinator.
- 103.10 The Director, EEO shall submit to the Director of Personnel for prior review all recommendation of in depth investigation or statistical reports when the recommendation or reports relate to or would effect in any manner programs involving the employment employee relations or other personnel action of the District government.
- 103.11 The Director, EEO shall designate when necessary in the interest of fairness and

Justice, At-Large EEO Counselors to handle EEO problems on an informal basis. An At-Large EEO Counselor need not be an employee of the Department for which counseling service is provided.

103.12 The Director, EEO shall designate a Women's Program Manager for the District government with responsibilities for advising the Director, EEO on matters affecting the employment and advancement of women.

103.13 The Director, EEO shall designate a Hispanic Program Coordinator for the District government who shall advise the Director, EEO on the special concerns of persons of Hispanic origin to ensure that specific actions are taken to provide equal opportunity for people of Hispanic origin.

**SOURCE:** Final rule making published at 31 DCR 56, 59 (January 6, 1984).

#### **104 RESPONSIBILITIES OF AGENCY HEADS**

104.1 Each District agency heads shall do the following:

- (a) Be personally responsibilities and accountable for execution of the EEO program within his or her agency:
- (b) Establish procedures whereby each complaint is reviewed promptly and processed promptly at every subsequent stage and cause agency records to reflect each date of review and the action taken:
- (c) Appoint or designate one (1) or more EEO Officers, EEO Counselors, Women's Program Manager and Hispanic Program Coordinators:
- (d) Upon request of the Director of EEO, consult with him or her regarding the suitability of persons appointed or designated EEO Officers, EEO Counselors, Women's Program Manager and Hispanic Program ' Coordinators and shall upon request, review appointments or designations and advise the Director, EEO of the determination. Consultation between department heads and the Director of EEO prior to appointment or designation of EEO Counselors, EEO Officers, Women's Program Coordinators and Hispanic Program Coordinators is encouraged:
- (e) Publicize to agency employees by posting on agency bulletin boards, the following:

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- (1) The name, office, address and telephone number of each agency EEO Counselor and the organizational units served;
- (2) Inform employees that they may contact an EEO Counselor outside their organizational unit if desired and the time limit for contacting an EEO Counselor;
- (3) The availability of the EEO Counselor to counsel an employee or qualified applicant for employment who believes he or she has been discriminated against because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap or political affiliation in connection with any aspect of District government employment; and
- (f) Inform employees and applicants of the requirement that an employee or qualified applicant shall consult the EEO Counselor within one hundred eighty (180) calendar days after the alleged unlawful employment practice occurred or within one hundred-eighty (180) calendar days of the discovery of the occurrence giving him or her cause to believe that he or she has been discriminated against whichever is earlier within thirty (30) calendar days.

104.2 Each District Government Agency head shall also publicize to all agency employees and post permanently on official bulletin boards the name, address and telephone number of the Director, EEO, each agency EEO Officer, the agency EEO Counselors. Women's Program Manager and the District government, and agency Hispanic Program Coordinators.

104.3 Each District Government Agency head shall ensure that equal opportunity for women is an integral part of the agency's overall program by assigning to the Women's Program Manager the function of advising in matters affecting the employment and advancement of women.

104.4 Each District Government Agency head shall ensure that equal opportunity for persons of Hispanic origin is an integral part of the agency's overall program by assigning to the Hispanic Program Coordinator the function of advising on matters affecting the employment and advancement of those of Hispanic origin.

104.5 Each District Government Agency head shall make reasonable accommodation

or the religious needs of applicants and employees including the needs of those who observe Sabbath on a day other than Sunday, when that accommodation can be made without undue disruption to the business of the agency.

SOURCE: Final rule making published at 31 DCR 56, 60 (January 6, 1984).

## **105 PRE-COMPLAINT PROCESSING**

105.1 An employee who believes that he or she has been discriminated against because of race, color, religion, national origin, sex, age, marital status, personal appearance sexual orientation, family responsibilities, matriculation, physical handicap, or political affiliation in connection with any aspect of District government employment shall consult an EEO Counselor within one hundred eighty (180) calendar days of the occurrence of the alleged unlawful discriminatory practice or within one hundred-eighty (180) calendar days of his or her discovery of the occurrence, except that a complaint of sexual harassment may be filed directly with the office..

105.2 The EEO Counselor shall then do the following:

- (a) Make an inquiry and review the matter;
- (b) Seek a solution of the matter on an informal basis;
- (c) Counsel the complainant or his or her representative concerning the issues of the matter;
- (d) Keep a record of counseling activities so as to brief, periodically, the agency EEO Officer on those activities;
- (e) When advised by the Director, EEO that the complaint of discrimination has been accepted and is under investigation, submit a written report to the agency EEO Officer, with a copy to the complainant, his or her representative, and the Director, EEO summarizing his or her actions and advice to solve the matter within the department including, but not limited to the following:
  - 1. A thorough review of the circumstances under which the alleged discrimination occurred;

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- (2) The treatment of members of the complainant's group, if any, identified by the complaint as compared with the treatment of other employees in the organization unit in which the alleged discrimination occurred;
- (3) The examination of pertinent records; and
- (4) The review of any policies and practices related to the work situation which may constitute or appear to constitute discrimination even though they have not been expressly cited by the complainant.

- 105.3 The EEO Counselor shall, insofar as is practicable, conduct the final interview with the complainant not later than twenty-one (21) calendar days after the date on which the matter was called to his or her attention by the complainant.
- 105.4 The EEO Counselor shall advise the complainant in writing in the final interview of the complainant's right to file a formal complaint with the Director, EEO, within fifteen (15) calendar days of the final interview if the matter has not been resolved to complainant's satisfaction.
- 105.5 A formal complaint to the Director, EEO shall be filed by the complainant within fifteen (15) calendar days after the final interview has been conducted by the EEO Counselor.
- 105.6 Complaints filed after the fifteen (15) calendar day period specified in section 105.4 shall be deemed untimely and dismissed by the Director, EEO.
- 105.7 In any event, and regardless of whether or not the EEO Counselor completes his or her review and action within the time limits, a complainant shall be free to file a complaint with the Director, EEO at the expiration of the twenty-one (21) day review period set forth in § 105.3.
- 105.8 If a final interview is not conducted by the EEO Counselor, the complainant may file a formal complaint to the Director, EEO within sixty (60) calendar days after the date on which the matter was called to the attention of the EEO Counselor, pursuant to § 105.1.
- 105.9 Complaints filed beyond the sixty (60) calendar day period specified in § 105.8 shall be deemed untimely and dismissed by the Director, EEO.

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- 105.10 The EEO Counselor shall not reveal the identity of a complainant who has come to the Counselor for consultation, except when authorized to do so by the complainant in writing, until a complaint of discrimination has been filed with the Director, EEO.
- 105.11 The EEO Counselor shall be free from restraint, interference, coercion, discrimination, or reprisal and shall be given the assistance and cooperation of the department or agency in connection with the performance of his or her duties under this chapter.
- 105.12 At any stage in the proceeding under this chapter the complainant shall be free from restraint, interference, coercion, discrimination, or reprisal, and shall have the right to be accompanied, represented, and advised by a representative of his or her own choosing.
- 105.13 If the complainant is an employee of the District government, he or she shall have a reasonable amount of official time for preparation and presentation of his or her complaint.
- 105.14 If the complainant designates an employee of the District government as his or her representative, the representative shall be free from restraint, interference, coercion, discrimination, or reprisal, and shall have a reasonable amount of official time to prepare and present the matter.
- 105.15 Whenever a matter is submitted to the EEO Counselor under the provisions of this chapter with respect to a pending appointment, promotion, transfer, reduction-in-force, termination, disciplinary action, or other adverse action, the agency head shall hold the action in abeyance until this matter is resolved by the EEO Counselor, EEO Office, or EEO Officer, or until the complainant has exercised his or her opportunity to file a formal complaint with the Director, EEO.
- 105.16 The requirements of § 105.15 shall be suspended by the Director, EEO, pending a resolution of the matter, if it is shown that immediate and irrevocable harm to the agency will result or there will be a substantial interference with the efficient operation of the agency.
- 105.17 The requirements of § 105.15 may be waived by agreement between the agency head and the Director, EEO if sufficient and appropriate opportunities will be available to provide relief to the complainant if the assertion of discrimination is

upheld, or where the agency head effects the action on a temporary basis and subject to reversal if the complainant's assertion of discrimination is upheld.

SOURCE: Final rule making published at 31 DCR 56, 62 (January 6, 1984).

**106 FILING AND PRESENTATION OF COMPLAINTS**

- 106.1 A verified and written complaint of discrimination shall be submitted by the complainant, in person to the Director, EEO within fifteen (15) calendar days of the date of the complainant's final interview with the EEO Counselor.
- 106.2 The time limit for filing may be extended by the Director, EEO upon a showing by the complainant that good cause prevented the complainant from submitting the complaint within the prescribed time limit.
- 106.3 Upon filing of a complaint the Director, EEO shall provide a copy to the agency in which the complainant is employed.
- 106.4 At any stage in the presentation of a complaint, including the pre-complaint counseling stage, the complainant shall have the right to be represented, accompanied, and advised by a representative of his or her choosing.
- 106.5 The Director, EEO may dismiss or reject a complaint of discrimination for the following reasons:
  - (a) It is not timely filed;
  - (b) It is not within the scope of this chapter; or
  - (c) The complainant fails to prosecute the complaint.
- 106.6 In the event of such rejection or dismissal, the Director, EEO shall transmit the decision by letter to complainant or his or her representative, which shall inform the complainant or his or her representative of complainant's right to request reconsideration or the reopening of the case by the Director, EEO pursuant to § 114.4. A copy of the decision shall also be transmitted to the respondent agency.
- 106.7 In order to resolve each complaint expeditiously, -the complainant and the District government shall proceed with the complaint without undue delay so that the



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complaint is resolved, insofar as practicable, within one hundred-eighty (180) calendar days after receipt by the Director, EEO, including the time spent processing the complaint by the Hearing Examiner.

106.8 THIS SECTION HAS BEEN REPEALED.

106.9 The complainant shall be responsible for prosecuting the complaint without undue delay so as to permit resolution of the complaint within the prescribed time limits.

106.10 The complainant shall provide reasonable assistance and all pertinent information to the Office of Human Rights (OHR) staff in processing the complaint.

106.11 The Director, EEO may dismiss a complaint if the complainant fails to process the complaint without necessary delay or may adjudicate the complaint on the basis of the existing record if sufficient information for that purpose is available.

106.12 Officers and employees of District government agencies and departments in which a complaint arises under this chapter shall not cause hardship, delay, or interference with the efforts of the EEO counselor, the complainant or the complainant's representative, staff members of the OHR, or the Hearing Examiner, in their efforts and activities to process the complaint to a resolution.

106.13 All District agencies and departments shall make every effort to make available as witnesses at hearings those employees whose testimony is determined to be necessary by the Hearing Examiner.

106.14 A complaint may be amended by the complainant at any time prior to the issuance of a summary determination pursuant to § 109, or a decision following a hearing pursuant to § 114.

106.15 An amendment shall be in writing and verified, and shall be submitted by the complainant or the complainant's representative to the Director, EEO.

106.16 When an amendment is filed, the Director, EEO shall serve a copy of the amendment upon the respondent within five (5) work days of the amendment.

106.17 The respondent shall within five (5) work days after service of the amendment, file an answer to the amendment.

SOURCE: Final rule making published at 31 DCIt 56.64 (January 6, 1984).

**107 INVESTIGATION**

- 107.1 Each complaint shall be promptly investigated by the Office of Human Rights.
- 107.2 The investigator assigned to a case is authorized to administer oaths and require that the statement of a witness shall be under oath or affirmation without a pledge of confidence.
- 107.3 A witness shall not be subjected to any form of restraint, interference, coercion, discrimination, or reprisal because of consultation with or information provided to the Office of Human Rights staff:
- 107.4 The Director, EEO shall arrange, upon written request, to furnish the complainant, the complainant's representative, the appropriate agency EEO Officer or the agency head a copy of the investigative file upon completion of the investigation. The cost of reproduction shall be borne by the department or agency in which the complaint arose.
- 107.5 The investigator, upon completion of the investigation, shall submit in writing to the Director, EEO a statement of proposed findings of fact, conclusions and recommendations.
- 107.6 The activities of the Director, EEO under this chapter shall be considered investigations or examinations of municipal matters within the meaning of the Act of July 1, 1902, (D.C. Code §1-331) and §3 of D.C. Law 3-109, D.C. Code §1-338 (1992 Repl. Vol.), and the Director, EEO and hearing officers shall possess the powers vested in the Mayor by those statutes.

SOURCE: Final rule making published at 31 DCR 56, 66 (January 6, 1984).

**108 ADJUSTMENTS OF COMPLAINTS**

- 108.1 At any time during the course of the investigation of a complaint under §107, the Director, EEO may review the investigative file and may propose terms for adjustment of the complaint to the head of the agency in which complaint arose.
- 108.2 Every effort shall be made to adjust a complaint informally. For example, a complaint may be settled through voluntary action of an agency head to correct the situation out of which the complaint arose, and the withdrawal of the complaint by the complainant.

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- 108.3 If an adjustment of the complaint is achieved, the terms of the adjustment shall be reduced to writing and made part of the complaint file. A copy of the terms of adjustment shall be given to the agency EEO Officer and the complainant or the complainant's representative, and the complaint file shall be closed.
- 108.4 Where a complaint has not been settled, dismissed or is the subject of a summary determination, the Director, EEO may, after investigative efforts, determine whether reasonable cause exists to believe that a violation has occurred. A determination as to reasonable cause shall be based on, and limited to, evidence obtained by the Office and does not reflect any judgement on the merits of allegations not addressed in the determination.
- 108.5 A letter incorporating the determination of reasonable cause and the basis for the finding shall be served on the complainant or a representative and the respondent agency, along with a notice inviting the parties to conciliate.
- 108.6 The respondent agency shall, within (15) calendar days or receipt of the letter of determination, notify the Director, EEO in writing, of its decision to enter into conciliation.
- 108.7 If the respondent agency accepts the invitation to conciliate, the Director, EEO shall set a date for a post determination conciliation conference to be held within twenty (20) calendar days of the receipt of the agency's acceptance.
- 108.8 If the parties cannot agree to a settlement, or if the agency fails to respond within the fifteen (15) days prescribed in § 108.6, or declines the invitation to conciliate, the Director, EEO shall notify the complainant in writing of the opportunity for a hearing, of the right of the complainant to a summary determination as provided in § 109.
- 108.9 The Complainant shall have fifteen (15) calendar days from the receipt of the notice prescribed in § 108.8 to notify the Director, EEO in writing of the complainant's request for a hearing or a summary determination.

SOURCE: Final rule making published at 31 DCR 56, 66 (January 6, 1984).

## **109 SUMMARY ACTION ON COMPLAINTS**

- 109.1 If no adjustment is agreed upon during the course of an investigation, or following

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conciliation efforts, the Director, EEO may make a summary determination on the merits of a complaint based solely upon information in the complaint file.

- 109.2 In making a summary determination, the Director, EEO may issue an order to the department head requiring appropriate remedial action including, but not limited to, hiring, reinstatement, promotion, recession of adverse action, or award of compensatory credits which are authorized by existing personnel regulations and statutes.
- 109.3 The Director, EEO may issue an order dismissing the complaint for lack of reasonable cause to credit the allegations.
- 109.4 Any order issued by the Director, EEO shall be in writing and shall advise the complainant and the agency head of their right to request reconsideration or the reopening of the case by the Director, EEO pursuant to § 114.4.
- 109.5 Within fifteen (15) days after issuance of any order by the Director, EEO, either party may request reconsideration or the reopening of the case, pursuant to § 114.4.
- 109.6 THIS SECTION HAS BEEN REPEALED.
- 109.7 If the Director, EEO determines that a matter is not appropriate for summary determination, the complainant shall be advised of the right to a formal hearing, before an independent hearing examiner with a subsequent decision by the Director, EEO based upon the Hearing Examiner's report and recommendations.
- 109.8 The complainant shall have fifteen (15) calendar days from receipt of the notice to notify the Director, EEO whether or not he or she wishes to have a hearing.
- 109.9 If the complainant fails to request a formal hearing within fifteen (15) calendar days in accordance with § 109.8, the Director, EEO may make a determination on the merits of the complaint based solely upon information in the complaint file, and may dismiss the complaint or order remedial action.

SOURCE: Regulation No. 73-22, approved Nowmhrr 16. 1973, !Mayor's Order 75-230, dated October 31, 1975, 34 DCRR as amended by Final rule making published at 31 DCR 56, 67 (January 6, 1984).

## **110 CONDUCT OF HEARINGS BY HEARING EXAMINERS**

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- 110.1 The Director, EEO shall notify all necessary parties in writing that a hearing will be held.
- 110.2 Hearings shall be held. by a qualified Hearing Examiner who shall not be an employee of the department in which the complaint arose, and who shall not have investigated the complaint, or taken or reviewed an action giving rise to the complaint being heard.
- 110.3 The Director, EEO shall select a Hearing Examiner from among impartial employees of the District government qualified to conduct a hearing on a discrimination complaint.
- 110.4 In addition to any other power specified in this chapter, a Hearing Examiner shall have the power to do the following:
- (a) Hold pre-hearing conferences to narrow the issues of the complaint, provide notice and information of the hearing procedure, and to take other actions deemed necessary to expedite the hearing;
  - (b) Administer oaths and affirmations;
  - (c) Examine and cross-examine witnesses;
  - (d) Request the issuance of subpoenas authorized under this chapter;
  - (e) Rule upon offers of proof and receive evidence;
  - (f) Regulate the course and conduct of the hearing, including the following:
    - (1) Continuing the hearings to a later date or different place by announcement at the hearings or other appropriate notice;
    - (2) Taking official notice of any material fact;
    - (3) Ruling upon the admissibility of evidence and testimony;
    - (4) Determining whether the hearing will be open to the public; and
    - (5) Taking appropriate measures to assure that there shall be no interference with the orderly conduct of the hearing; and

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- (g) Prepare and deliver to the Director, EEO a Hearing Examiner's report which shall include a brief and concise statement of the history of the subject matter of the hearing, findings of fact, conclusions of law, analysis, and a recommendation or proposed order.

- 110.5 The Director, EEO shall transmit the complaint file to the Hearing Examiner.
- 110.6 The Hearing Examiner shall review the complaint file to determine whether further investigation is needed before scheduling the hearing.
- 110.7 If the Hearing Examiner determines that further investigation is needed, the Hearing Officer shall either return the complaint file to the Director, EEO for further investigation or arrange with Director, EEO for the appearance of witnesses necessary to supply the needed information at the hearing.
- 110.8 The Hearing Examiner shall schedule the hearing for a convenient time and place.
- 110.9 The Director, EEO shall provide the Hearing Examiner adequate space, appurtenances and services necessary for the hearing.

SOURCE: Regulation No. 73-22, approved November 16, 1973, Mayor's Order 75-230, dated October 31, 1975, 34 DCRR, as amended by Final rule making published at 31 DCR 56, 67 (January 6, 1984).

## **111 HEARING PROCEDURES**

- 111.1 The Hearing Examiner shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents.
- 111.2 The Hearing Examiner shall permit wide latitude in the introduction of evidence, but shall exclude irrelevant and unduly repetitious evidence.
- 111.3 The Hearing Examiner shall receive only evidence, testimony or information. which may have a bearing upon the complaint or upon any other employment policy or practice related to the complaint.
- 111.4 The Director, EEO may designate an employee of the Office of Human Rights who shall, to aid in a complete, fair and impartial hearing, have full opportunity to participate in the presentation of the case, as warranted by the issues of the matter.
- 111.5 District government employees shall be required to serve as witnesses at hearings

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held under the provisions of this chapter. Absence from regular duty to serve as a pay witness shall be without charge to leave or loss in pay.

- 111.6 Witnesses may be requested by the complainant or the complainant's representative, subject to the approval of the Hearing Examiner of the reasons given by either party as to the need for the witnesses.
- 111.7 The Hearing Examiner shall request the Director, EEO to make available as a witness at the hearing any District employee whose appearance the appeals examiner deems necessary.
- 111.8 The Hearing Examiner shall request the Director, EEO to make available any other person whose appearance the Hearing Examiner deems necessary.
- 111.9 The denial of a request for the appearance of a person as a witness by the Hearing Examiner shall include the reasons for denial and shall be entered into the record of the hearing.
- 111.10 Request for witnesses may be submitted to the Director, EEO in writing by either party not later than three (3) working days in, advance of the scheduled hearing date.
- 111.11 Each agency head shall make employees available to serve as witnesses whenever it is administratively possible and practicable to do so.
- 111.12 Reasons for denial by an agency head of a request for the service of an employee as a witness shall be sent in writing to the Director, EEO with a copy to the Hearing Examiner for inclusion in the complaint record and the hearing record.
- 111.13 If the explanation is inadequate, the Hearing Examiner shall advise the Director, EEO and request the Director, EEO to order the employee made available as a witness at the hearing.
- 111.14 An agency head shall be required to make the employee available when directed by notice from the Director, EEO.
- 111.15 If the explanation is adequate, the Hearing Examiner shall insert it in the record of the hearing, provide a copy to the complainant and the agency, and make arrangements to secure testimony from the employee through written interrogatories.

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111.16 Witnesses shall not be subjected to restraint, interference, coercion, discrimination, intimidation, or reprisal in presenting testimony or because having given testimony.

SOURCE: Final rule making published at 31 DCR 56, 69 (January 6, 1984).

### **112 RECORDS AND TRANSCRIPTS OF HEARINGS**

112.1 Each hearing shall be recorded and transcribed verbatim.

112.2 The record shall consist of the complaint file, exhibits, transcripts and all other documents submitted to and accepted by the Hearing Examiner related to the subject matter of the hearing and made a part of the record.

112.3 The Director, EEO shall be responsible for the reproduction of records, at the expense of the respondent agency.

112.4 A copy of the verbatim transcript shall be furnished the complainant or the complainant's representative, the Hearing Examiner, the department concerned, and the Director, EEO including a copy of each document made a part of the record by the Hearing Examiner.

SOURCE: Regulation No. 73-22, approved November 16, 1973, Mayor's Order 75-230, dated October 31, 1975, 34 DCRR, as amended by Final rule making published at 31 DCR 56, 71 (January 6, 1984).

### **113 FINDINGS AND RECOMMENDATION OF THE HEARING EXAMINER**

113.1 Within thirty (30) days time after receipt of the transcript or post hearing submissions, whichever is later, the Hearing Examiner shall transmit to the Director, EEO the following:

- (a) The complaint file;
- (b) The record of the hearing;
- (c) A report including a brief and concise statement of the history of the subject matter of the complaint;
- (d) Findings of fact; .
- (e) Conclusions of law; and



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(f) Analysis, and recommendations, or proposed order.

113.2 A copy of the Hearing Examiner's report shall be transmitted to the complainant or the complainant's representative and to the agency representative, including a notice of the date on which the report was transmitted to the Director, EEO.

113.3 Any party who is aggrieved by the adoption of the Hearing Examiner's report and proposed recommendation or order, may, within twenty (20) days after receipt of the report, submit to the Director, EEO a proposed substitute order or findings along with arguments in support of the proposed substitute.

SOURCE: Regulation No. 73-22, approved November 16, 1973, Mayor's Order 75-230, dated October 31, 1975, 34 DCRR, as amended by Final rule malting published at 31 DCR 56, 71 (January 6, 1984).

### **114 FINAL DECISION OF THE DIRECTOR, EEO**

114.1 Following receipt of the Hearing Examiner's recommendations or proposed decision or order, and any argument or proposed substitute order or findings submitted by a party, the Director, EEO shall do one of the following:

(a) Render a final decision which may adopt, reject, or modify the decision of the Hearing Examiner; or

(b) Remand the matter for further hearings.

114.2 If the Director, EEO rejects or modifies the recommended decision of the Hearing Examiner, the final decision of the Director shall set forth in detail the specific reasons for rejection or modification.

114.3 The final decision of the Director, EEO shall be served on the complainant or the complainant's representative and the agency representative.

114.4 Either party may file a written request with the Director, EEO for reconsideration or the reopening of a case within fifteen (15) days from the date of issuance of the final decision.

114.5 A request for reopening will only be considered if the requesting party demonstrates that there is newly discovered evidence that is competent, relevant, and material and was not reasonably discoverable prior to issuance of the final decision by the Director, EEO and that such evidence, if credited, would alter the ultimate outcome in the case.

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- 114.6 The final decision of the Director, EEO on a complaint for which there has been no hearing shall be transmitted by letter to the complainant or the complaint's representative and the agency representative stating the basis for the decision, including findings of fact, analysis, and conclusions of law.
- 114.7 The letter transmitting the final decision of the Director, EEO shall advise the parties of their right to request reconsideration or the reopening of the case pursuant to § 114.4 or to seek judicial review of the decision by a court of competent jurisdiction.
- 114.8 If either party requests reconsideration or the reopening of the case pursuant to § 114.4, and the Director, EEO determines that the case should be reconsidered or reopened, the Director, EEO shall inform the parties that the case is being reconsidered or reopened and that the final decision previously issued by the Director, EEO is vacated.
- 114.9 If neither party requests reconsideration or the reopening of the case pursuant to § 114.4, the final decision of the Director, EEO shall become the final administrative action of the District government fifteen (15) calendar days after issuance of the decision, and the parties shall be deemed to have exhausted all administrative remedies.
- 114.10 If the Director, EEO decides not to grant a request for reconsideration or to reopen a case, the Director, EEO shall so notify the parties in writing, and at the time the notification is issued, the decision previously issued shall become the final administrative action of the District government.
- 114.11 If no action is taken on a request for reconsideration or to reopen a case within one hundred twenty (120) days, the request shall be deemed disapproved and the decision previously issued shall become the final administrative action of the District government.
- 114.12 In the interests of justice, the Director, EEO may *sua sponte* reopen or reconsider any case in which the Director, EEO has issued a decision at any time prior to the filing of an appeal by either party with a court of competent jurisdiction.
- 114.13 If the Director, EEO decides to reconsider or reopen a case pursuant to § 114.12, the Director, EEO shall inform the parties that the case is being reconsidered or reopened and that the decision previously issued by the Director, EEO is vacated.

SOURCE: Final rule making published at 31 IX'R 56, ?2 (January 6, 1984).

**115 APPEAL TO THE CITY ADMINISTRATOR**

- 115.1 THIS SECTION HAS BEEN REPEALED.
- 115.2 THIS SECTION HAS BEEN REPEALED.
- 115.3 THIS SECTION HAS BEEN REPEALED.
- 115.4 THIS SECTION HAS BEEN REPEALED.
- 115.5 'THIS SECTION HAS BEEN REPEALED.
- 115.6 THIS SECTION HAS BEEN REPEALED.
- 115.7 THIS SECTION HAS BEEN REPEALED.
- 115.8 THIS SECTION HAS BEEN REPEALED.

SOURCE: Final rule making published at 31 DCR 56, 73 (January 6, 1984).

**116 THE COMPLAINT FILE**

- 116.1 The Director, EEO shall establish and maintain a complaint file containing all documents pertinent to each complaint.
- 116.2 The complaint file shall not contain any document that has not been made available to the complainant. The complaint file shall include, as a minimum, copies of the following:
  - (a) The complaint.
  - (b.) The written report of the EEO counselor to the agency EEO Officer on all pre-complaint counseling efforts made with regard to the complainant's case.
  - (c) The investigative file.
  - (d) A signed written statement of the complainant or the complainant's representative if the complaint is withdrawn by the complainant.

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- (e) The written record of adjustment if the complaint is adjusted informally under the provisions of this Chapter.
- (f) A copy of the letter from the Director, EEO notifying the complainant of the proposed disposition of the complaint and of the right to a hearing or a decision by the Director, EEO without a hearing if no adjustment of the complaint is reached.
- (g) A copy of the letter to the complainant transmitting the decision of the Director, EEO when the decision is made without a hearing under the provisions of this chapter;
- (h) The record of the hearing including the hearing examiner's findings, analysis, and recommended decision on the merits of the complaint if a hearing is held;
- (i) A copy of the letter to the complainant transmitting the final decision of the Director, EEO is the decision is made after a hearing; and
- (j) Any other decisions, notices, or correspondence to or from any party.

SOURCE: Final rule making published at 31 DCR 56, 73 (January 6, 1984).

### **117 COMPLAINTS OF SEXUAL HARASSMENT**

- 117.1 Allegations of sexual harassment shall be fully investigated, and corrective or disciplinary action taken if warranted.
- 117.2 Complaining parties shall be required to swear or affirm that the facts stated in the complaint are true to the best of the person's belief, knowledge and information.
- 117.3 An investigation shall be conducted on those complaints which are filed by a person who, at the time of filing, is an employee of the District of Columbia, or a former employee, who left employment with the District government because of sexual harassment, if filed within one hundred-eighty (180) days of separation from the District government, and which are directed against a person who, at the time of filing, is a District employee.
- 117.4 The complaint file, including all information and documents pertinent to a complaint, shall be confidential.

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- 117.5 Only complaints of sexual harassment that concern incidents which occurred within a period of one (1) year immediately prior to the date -of the complaint is filed shall be considered.
- 117.6 The Office of Human Rights shall receive complaints and allegations involving sexual harassment directed against officers and employees of the District government.
- 117.7 Complaints shall be investigated and processed in accordance with the procedures and authorities set forth in this chapter.
- 117.8 If disciplinary action may be warranted, the pertinent complaint file or files of the Office of Human Rights shall be made available to the Director of the Office of Personnel.
- 117.9 Each agency head shall include measures within the Agency's Affirmative Action Plan to indicate the procedures and authorities that will be established in the agency for providing work sites free of sexual harassment, for monitoring working conditions so that instances of sexual harassment will be detected soon after their occurrences, and to provide for resolution of complaints within each agency.
- 117.10 Agency Heads who have complaints of sexual brought to their attention shall promptly investigate and attempt to resolve the complaints.
- 117.11 If a resolution cannot be reached within an agency within sixty (60) days, the agency head shall refer the complaint to the Office of Human Rights.
- 117.12 The bringing of a complaint or allegation of sexual harassment to an agency shall not bar nor preclude the complainant from filing a complaint with the Office of Human Rights pursuant to this chapter.

SOURCE: Final rule making published at 31 DC R 56, 73 (January 6, 1984).

## **118 FREEDOM FROM REPRISAL OR INTERFERENCE**

- 118.1 Witnesses and those who serve in EEO capacities, such as EEO Officers, EEO Counselors, Women's Program Coordinators, Hispanic Program Coordinators, or those who are involved in any other way in the EEO Program, or in the EEO.

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complaint process shall be free from restraint, interference, coercion, discrimination and reprisals at any stage in the presentation of a complaint at either the informal or formal phase or in the performance of their EEO-related duties.

- 118.2 A witness or a person who serves in an EEO capacity who alleges restraint, interference, coercion, discrimination, or reprisal in connection with the presentation of a complaint under this section or in the performance of his or her EEO related duties, may, if an employee or applicant, have the allegation reviewed as an individual complaint of discrimination subject to applicable sections of this chapter.
- 118.3 In order to avoid any suggestion of restraint, interference, coercion, discrimination, or reprisal, no information of any kind relating to a complaint of discrimination or the fact that an employee has made an allegation of discrimination shall be placed in the employee's personnel records except personnel actions taken as a result of final order by the Director, EEO, which has been upheld on appeal, if taken.

SOURCE: Final rule making published at 31 DCR 56, 74 (January 6, 1984).

### **119 REMEDIAL ACTION: APPLICANTS FOR EMPLOYMENT**

- 119.1 When the Director, EEO finds, that an applicant for employment has been discriminated against and, except for that discrimination, would have been hired, the agency involved shall offer the applicant employment of the type and grade denied at the first opportunity that the employment becomes available.
- 119.2 The offer shall be made in writing.
- 119.3 The individual shall have fifteen (15) calendar days from receipt of this offer within which to accept or decline the offer.
- 119.4 Failure to notify the agency of a decision to accept employment within the fifteen (15) day period shall be considered a refusal of the offer, unless the individual can show that circumstances beyond his or her control prevented a timely response.
- 119.5 If the offer is accepted, the appointment shall be retroactive to the date the applicant would have been hired, and back pay may be awarded for the retroactive

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period, but not to exceed two (2) years prior to the date the complaint was filed, and subject to any appropriate deductions required by law or regulation. During the period of retroactivity, the complainant shall be deemed to have performed services for all purposes except for meeting service requirements for completion of a probationary or trial period.

- 119.6 If the offer is declined, the respondent agency shall award the complainant back pay subject to the limitations of § 118.5 and shall notify the complainant in its offer, of his or her right to this award in the event the offer is declined.
- 119.7 When the Director, EEO finds that discrimination existed at the time the applicant was considered for employment but does not find that the individual is the one who would have been hired except for discrimination, the department shall consider the individual for any existing vacancy of the type and grade for which he or she has been considered initially and for which he or she is qualified before consideration is given to other candidates.
- 119.8 If the individual is not selected, the agency shall record the reasons for non selection.
- 119.9 If no vacancy exists, the agency shall give the applicant priority consideration for the next vacancy for which he or she is qualified.

SOURCE: Final rule making published at 31 DCR 56, 76 (January 6, 1984).

## **120 REMEDIAL ACTIONS: EMPLOYEES**

- 120.1 When the Director, EEO finds that an employee of an agency was discriminated against and as a result of that discrimination was denied an employment benefit, or was subjected to an adverse administrative decision, the agency shall take remedial actions which shall include one (1) or more of the following, but need not be limited to, these actions:
- (a) Retroactive promotion, when the record clearly shows that but for the discrimination the employee would have been promoted to a higher grade. Provided, that the back pay liability may not accrue from a date more than two (2) years prior to the date the discrimination complaint was filed, or the actual date he or she would have been promoted;
  - (b) If a finding of discrimination was not based on a complaint, the back pay

liability may not accrue from a date earlier than two (2) years prior to the date the finding of discrimination was recorded, or the actual date he or she would have been promoted, whichever is the shorter period;

- (c) Consideration for promotion to a position for which he or she is qualified before consideration is given to other candidates when the record shows that discrimination existed at the time selection for promotion was made but it is clear that except for the discrimination the employee would have been promoted. If the individual is not selected, the agency shall record the reasons for non-selection.
- (d) Cancellation of an unwarranted personnel action and restoration of withheld benefits that would have accrued to the employee;
- (e) Expunction from the agency's records of any reference to or any record of an unwarranted disciplinary action that is not a personnel action; and
- (f) Full opportunity to participate in the employee benefit denied the employee (e.g., training, preferential work assignments, overtime scheduling), or a reasonable substitute.

120.2 When a complaint of discrimination is submitted under the provisions of this chapter with respect to a pending appointment, promotion, transfer, reduction-in force, termination, disciplinary action or other adverse action, the agency head shall upon the request for the Director, EEO, hold the pending action in abeyance until the complaint is resolved, or until released by the Director, EEO, but in no case longer than thirty (30) calendar days after the complaint was filed with the Office of Human Rights.

120.3 Application of the provisions of § 119.2 shall be waived whenever the Director, EEO and the agency head concerned agree that sufficient and appropriate opportunities will be available to provide relief to the complainant if his or her complaint is sustained or whenever the agency head effects the action on a temporary basis and the temporary action is made specifically subject to termination if the complainant's assertion of discrimination is upheld.

120.4 In cases where an appointment has proceeded to a point that a third party might be aggrieved if no basis is proved for the allegation of discrimination, a temporary appointment or promotion shall be effected.



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- 120.5 When corrective action is ordered by the Director, EEO in connection with resolving a complaint, the Director, EEO shall transmit a copy of the corrective order to the head of the agency concerned, and the corrective action ordered shall be taken without delay by the agency head.
- 120.6 If the agency head fails to comply with the corrective order within the stated time frame, the Director, EEO shall certify the order of the Office of the City Administrator, who shall direct the agency head to comply with the order.

SOURCE: Final rule making published at 31 D.C.R. 56, 76 (January 6, 1984).

### **121 THIRD PARTY ALLEGATIONS OF DISCRIMINATION**

- 121.1 This section shall apply to general allegations by organizations or other third parties of discrimination in personnel matters within a department of the District government which are unrelated to an individual complaint of discrimination.
- 121.2 The organization or other third party shall state the allegation with sufficient specificity so that the agency may investigate the allegations.
- 121.3 The agency may require additional specificity as necessary to proceed with its investigation.
- 121.4 The agency shall establish a file on each general allegation, and this file shall contain copies of all material used in making the decision on the allegation.
- 121.5 The agency shall furnish as copy of this file to the party submitting the allegation and shall make it available to the Director, EEO for review on request.
- 121.6 The agency shall notify the party submitting the allegation of its decision, including any corrective action taken on the general allegations, and shall furnish to the Director, EEO, or the City Administrator, on request, a copy of its decision.
- 121.7 If the third party disagrees with the agency decision, it may within thirty (30) days after receipt of the decision, request the Director, EEO to review it.
- 121.8 The request shall be in writing and shall set forth with particularity, the basis for the request.
- 121.9 Upon receipt of the request, the Director, EEO shall make, or require the agency

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to make, any additional investigation the Director, EEO deems necessary.

121.10 The Director, EEO shall issue a decision on the allegation ordering corrective action, as he or she considers appropriate.

121.11 Either the third-party complainant or the agency may request reconsideration or the reopening of a decision of the Director, EEO pursuant to § 114.4.

SOURCE: Final rule making published at 31 DCR 56, 77 (January 6, 1984).

### **122 DISCRIMINATION COMPLAINTS IN OTHER PROCEEDINGS**

122.1 Whenever an issue of discrimination as specified in § 101.1 of this chapter is raised by a party in a grievance or adverse action proceeding, before -any appropriate agency of the District government the Hearing Examiner or hearing officer or officers shall inform the person raising the complaint of discrimination that the complaint will not be admitted as an issue in the grievance or adverse action proceeding that the complaint should be submitted to the Director, EEO.

### **199 DEFINITIONS**

199.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Act** - the District of Columbia Human Rights Act of 1977, D.C. Law 2-38, D.C. Code §§-25011-2557 (1981).

**Administrative Procedure Act** - the District of Columbia Administrative Procedure Act, D.C. Code § §-1501 et seq. (1981).

**Age** - eighteen (18) years of age or older except that, in a case of employment, age shall be defined as eighteen (18) to sixty-five (65) years of age, unless otherwise defined by law.

**Agency** - any office, department, division, board, commission or other agency of the government of the District of Columbia with respect to which the Mayor or the Council are authorized by law to establish administrative procedures.

**Director, EEO** - the Director of the District of Columbia Office of Human Rights or a designate.

**Employee** - any individual employed by or seeking employment from an agency of the District

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of Columbia government.

**Family responsibilities** - the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of the number of such persons.

**Martial status** - the state of being married, single, divorced, separated, or widowed and the usual conditions associated with such status including pregnancy or parenthood.

**Matriculation** - the condition of being enrolled in a college, or university; or in a business, nursing, professional, secretarial, technical or vocational school; or in an adult education program.

**Office** - the District of Columbia Office of Human Rights, as established by Commissioner's Order No. 71-224, dated July 8, 1971, as amended. .

**Personal appearance** - the outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a public accommodation, or when uniformly applied to a class of employees, for a reasonable business purpose; or when such bodily conditions or characteristics, style or manner of dress or personal grooming presents a danger to the health, welfare or safety of any individual.

**Physical handicap** - a bodily or mental disability which may be the result of injury, illness, or congenital condition for which reasonable accommodation can be made.

**Political affiliation** - the state of belonging to or endorsing any political party.

**Religion** - any institutionalized system or personal set of attitudes, beliefs and practices which relate to moral or ethical standards.

**Sexual harassment** - unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the following occurs:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- (b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

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- (C) The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include, but is not limited to, verbal harassment or abuse, subtle pressure for sexual activity, patting or pinching, brushing against another employee's body, and demands for sexual favors.

**Sexual orientation** - male or female homosexuality, heterosexuality, and bisexuality, by preference or practice.

SOURCE: Final rule making published at 31 DCR 56, 57 (January 6, 1984)

### Section 3

#### Equal Employment Opportunity (EEO) Officer and Counselors for the Fire and Emergency Medical Services Department

In accordance with Equal Employment Opportunity (EEO) Regulations, the Department has designated an EEO Officer and Counselors to hear and resolve grievances and complaints of discrimination on the grounds of race, color, national origin, religion, sex, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap, political affiliation, or age arising within the Fire and EMS Department.

##### Equal Employment Opportunity Officer

Office of the Fire Chief

Fredreika W. Smith  
1923 Vermont Avenue, NW.  
(202) 673-3396

##### Equal Employment Opportunity Counselors

Fire Fighting Division

Wayne K. Branch  
[1342 Florida Ave., NE]  
[(202) 673-3210]

Kevin L. Stuart  
[5101 Georgia Ave., NW]  
[(202) 673-3224]

Brenda C. Rabbit  
4300 Wisconsin Ave., NW.  
(202) 673-3220

Claude A. Ford, Jr.  
[500 F Street, NW]  
[(202) 673-3202]

Fire Prevention Division

Norita V. Matthews  
441 4th Street, NW.  
(202) 727-1614

Communications Division

Deborah L. Trimiar  
300 McMillan Drive, N.W.  
(202) 673-3261

Shirley L. Taylor  
300 McMillan Drive, N.W.  
(202) 673-3267

Fleet Maintenance

Melvin L. Hardy  
1103 Half Street, S.W.  
(202) 673-3240

Henry H. Cauthorne  
1103 Half Street, SW.  
(202) 673-3240

Ralph Peterson  
1103 Half Street, SW.  
(202) 673-3240

Emergency Medical Services Bureau

Walter R. Alfaro  
2225 9 Street., N.E.  
(202) 673-3212

Brenda M. Durrett  
2813 Pennsylvania Ave., SE.  
(202) 673-3219

Hattie B. Tompkins  
1018 13th Street, N.W.  
(202) 673-3360

Emergency Medical Services Bureau  
(continued)

Lashon S. Frazier  
320 McMillian Drive N.W.  
(202) 673-3234

Arthur R. Bradley  
1018 13th Street., N.W.  
[(202) 673-6488]

Kendra L. Jackson  
439 New Jersey Ave., N.W.  
[(202) 673-3203]

Employees may contact either the EEO Officer or an EEO Counselor, if desired.

The EEO Officer, Ms. Fredreika W. Smith, is responsible for the administrative supervision and coordination of the EEO activities of the EEO Counselors. In addition, Ms. Smith is responsible for seeking out and providing appropriate training to the EEO Counselors which will enable them to carry out this program's activities and purpose with professional skill and ability.

## **Section 4**

### **Critical Incident Stress Management (CISM) Program**

The purpose of the Critical Incident Stress Management (*CISM*) Program is to provide crisis intervention after significant incidents in order to minimize stress and stress related problems of the personnel (both uniformed and. non-uniformed) of the Fire and *EMS* Department.

#### **THE CRITICAL INCIDENT:**

Any incident faced by Fire and EMS Department personnel that causes them to experience a distressing emotional reaction may qualify for a critical incident stress intervention. Under severe stress, coping mechanisms that once worked no longer do so. Although different incidents or situations may create different reactions, the following may be appropriate for an intervention:

1. Serious injury or death of a fellow employee or other emergency personnel working at the scene of a call or en route;
2. Mass casualties;
3. Suicide or death of a fellow employee;
4. Serious injury or death of a civilian resulting from departmental operations, e.g., failure to respond to a call, collision of emergency vehicle while responding, delayed response;
5. Death or extreme violence to children;
6. Loss of life in spite of extraordinary or prolonged physical and emotional energy to save the victim;
7. Incidents that attract extremely unusual or extensive media coverage; or
8. Incidents in which circumstances are unusually bizarre and/or which trigger strong or profound emotional reactions.

#### **ON-SITE MANAGEMENT:**

Minimizing prolonged exposure of personnel to these critical incidents decreases the likelihood of stress-related problems developing. Site commanders can reduce this exposure by rotating



personnel and/or by removing initial and unnecessary personnel from the scene as soon as possible. Administrative supervisors will use similar methods to reduce exposure. For critical incidents of extreme magnitude, on-site consultation by members of the Critical Incident Stress Management Team is available by contacting the Communications Division on (202) 673-3266; by contacting the District's Employee Assistance Program's 24-hour access number (202) 6285240; or by contacting one of the on-duty CISM team members direct. CISM peer counselors will serve as advisers to site commanders and administrative supervisors and will be alert for acute stress reactions; provide support, encouragement, and consultation; and be available to assist personnel in dealing with stress reactions.

#### **ACTIVATION OF THE CISM PROCESS:**

Department supervisors or company officers shall be aware of the possible need for an intervention following a traumatic or critical incident. Contact with the CISM team is highly encouraged in the event of any of the occurrences as previously outlined. Any Department employee may request a CISM meeting through his/her supervisor or company officer. Incident commanders, EMS, or administrative supervisors shall contact the appropriate Battalion Fire Chief, higher-level supervisor, or EMS Chief Supervisor as soon as possible after the incident. The Battalion Fire Chief, higher-level supervisor, or the EMS Chief Supervisor shall then contact a CISM team member direct or through the Communications Division; or activate the District's EAP number direct. Communications supervisors shall contact a CISM team member direct. The CISM team member is responsible for evaluating the need for an intervention. The Battalion Fire Chief, higher-level supervisor, or the EMS Chief Supervisor shall notify the appropriate Assistant Fire Chief or the EMS Operations Chief in the event this need is verified. If any personnel have questions about the need for an intervention, a CISM team member can be contacted direct for consultation.

Any Department employee who feels that an individual, confidential, one-on-one consult would be valuable may contact a CISM peer counselor or call the District's Employee Assistance Program (EAP) on (202) 628-5240. Members wishing the service of peer counselors may contact the on-duty team member or by activate the CISM process through the Communications Division. Peer counselors responding to a member's request shall report on scene, notify the Communications Division, the Battalion Fire Chief, higher-level supervisor, or EMS Chief Supervisor as needed, and request that the unit be placed out-of-service or that the office be closed for a brief period (15 to 20 minutes) to defuse the problem.

## **STRESS MANAGEMENT INTERVENTION TECHNIQUES:**

A stress management intervention is a confidential, educational process designed to accelerate the normal recovery process in individuals who have been exposed to highly abnormal events. The process provides an opportunity for personnel to discuss their feelings and reactions in order to reduce the stress resulting from exposure to critical incidents. An intervention is not a critique of Department operations at the incident, nor will performance be discussed. Interventions are usually conducted in small groups of not more than 25 people; however, they may also occur on an individual basis.

The type of intervention conducted depends upon the circumstances of a particular incident. The following is a listing of the interventions most commonly utilized, singularly or in combination:

1. **Scene:** CISM team members will serve as advisers to the site commander or administrative supervisor and will be alert for acute stress reactions; provide support, encouragement, and consultation; and be available to assist personnel in dealing with stress reactions.
2. **Initial Defusing:** This intervention, which is conducted shortly after the incident, is a spontaneous, non-evaluating discussion often with no designated leader. It is primarily informational, often including an update and status report on the incident and related injuries.
3. **Formal Debriefing:** This debriefing is conducted within 72 hours of a critical incident. It is a confidential, non-evaluative discussion about involvement in the incident, thoughts and feelings, and stress reactions. All units and personnel in attendance are out-of-service during this debriefing.
4. **Follow-up Debriefing:** This informal debriefing, which occurs weeks or months after the incident, is concerned with delayed or prolonged stress reactions.
5. **Individual Consultation:** These one-on-one counseling sessions are available at any time, as needed, for any concerns related to critical incidents.

## **ATTENDANCE:**

Attendance at an intervention is encouraged for all personnel directly exposed to the incident regardless of rank or grade. Only personnel involved in the incident are permitted to attend. All personnel and units in attendance at the intervention shall be out-of-service during that time.

**LOCATION:**

Interventions are conducted anywhere there is ample space, privacy, and freedom from distractions. Selection of the site shall be determined by the CISM team member or Program Coordinator. All Department radios shall be turned off during interventions.

**RELIEVING PERSONNEL FROM DUTY:**

Circumstances of a critical incident or situation may result in a recommendation by the CISM team that individuals or companies be taken out-of-service or offices closed. Such action is neither negative or punitive. The Battalion Fire Chief, higher-level supervisor or the EMS Chief Supervisor shall be responsible for making appropriate arrangements. Personnel taken out-of-service or in offices that have been closed shall be placed on administrative leave. Both management and the individual shall complete injury reports. The Battalion Fire Chief, higher level supervisor or EMS Chief Supervisor shall deliver these reports to the Safety Officer. These reports shall be handled in a confidential manner and are filed in the event administrative leave is changed to injury leave (POD or Workers Compensation). At times, individuals placed on leave following a critical incident may be required to meet with the CISM team member prior to returning to service. The Battalion Fire Chief, higher level supervisor or EMS Chief Supervisor shall notify the Medical Director, appropriate Assistant Fire Chief or the Fire Chief, through the chain-of-command, of any personnel placed on leave following a critical incident.

**THE CISM TEAM:**

The CISM team consists of, certified Department personnel, Employee Assistance Program clinicians, and other mental health professionals from both the public and private sectors. Department CISM team members are selected on the basis of an application, along with successful participation in training sessions.

**CISM NOTIFICATION PROCESS:**

1. An on-duty CISM member shall be notified and the process can be initiated by:
  - a. The Communications Division, on-duty officer, or individual employee;
  - b. Any officer or supervisor on the scene of an incident or situation;
  - c. Any team member aware of a situation that may necessitate or warrant CISM support;
  - d. Any employee through his/her supervisor.

2. When the on-duty CISM member has been alerted of an emergency incident that may benefit from CISM support, and the initial contact is from a source other than the Communications Division, the on-duty CISM member will contact the on-duty officer or supervisor directly or through Communications Division, and inform him/her of their knowledge of the incident.
3. If the on-duty CISM member fails to respond to the Communications Division within 15 minutes, another CISM peer team member will be notified
4. The initial CISM involvement will include gathering specific data concerning the event. The CISM Incident Form (attached) will be used to gather the pertinent information, and will be the responsibility of the CISM member on duty.
5. The on-duty CISM member will contact the highest ranking incident commander/supervisor available for consultation about the event. Their primary concern is to evaluate the immediate needs of the personnel involved in the incident.
6. The on-duty CISM member will then contact the Battalion Fire Chief, higher level supervisor, EMS Chief Supervisor and/or another CISM team member, for consultation. This step may occur at any time after Step No. 4. This consultation will result in decisions for actions. If there is no response from either of the above, contact should be made by calling the Medical Director or the EAP on (202) 628-5240.
7. Following consultation, the appropriate follow-up will be initiated. It may include as many of the following actions as deemed necessary:
  - a. No action.
  - b. Peer station or office visit to observe, listen, and gather information.
  - c. Individual defusing with selected participants from the event or situation.
  - d. Full defusing involving all units or offices from the event.
  - e. Informal visit from a CISM team member(s) to discuss the signs and symptoms of stress reactions, and educate those involved. about the assistance available through the CISM/EAP network.
  - f. Individual intervention arrangements, if it is determined to be necessary, will be made for him/her to consult with a clinician with the District's EAP Program.
8. During the entire process, all contacts, meetings, consultations, etc., will be documented on the CISM Incident Form. Following completion, it will be forward to the

Departmental CISM Program Coordinator, who is responsible for including non-confidential data and statistics in the CISM Monthly Activity Report to the Fire Chief.

Date of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Unit(s) Involved: \_\_\_\_\_

Observation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Team Members Present: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nature of Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of Persons Attending: \_\_\_\_\_

Recommendations for Follow-up: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature Date

FIRE and EMS CRITICAL INCIDENT STRESS  
MANAGEMENT TEAM MEMBERS

Fredreika W. Smith, Agency Coordinator  
(202) 673-3396

Paramedic Walter R Alfaro, EMS, E-14, Medic 18  
[Batt. Chief Lillian B. Carter, EMS, Operations, Grimke]  
[Lt. Louis L. Carter, Jr., EMS, EMS-3/1]  
[Lt. Claude A. Ford, Jr., Fire Fighting, E-2/2]  
Lt. LaShon S. Frazier, EMS, Quality Assurance, E-16  
Paramedic Chanel Jones-Hutchinson, EMS, RR-28/2, E-30  
[F/F Lonice R Janifer, Fire Fighting, E-29/4]  
[Capt. Brian K. Lee, Fire Fighting, E-2/1]  
[F/F Wilma Denise Lee, Fire Fighting, HMU/4, E-12]  
F/F Albert E. Montgomery, Jr., Fire Fighting, E-18/4  
Sgt. LaFrances D. O'Neal, EMS, EMS Training Unit  
[Paramedic Betty J. Richardson, EMS, M-23, E-21/4]  
Capt. Samantha M. Robinson, EMS, Operations, E-16  
[Lt. Aaron D. Sa'adah, Fire Fighting E-32/1]  
[Capt. Lawrence Schultz, Fire Fighting, RS-3/2, E-15]  
[Paramedic Jennifer J. Schwandt, EMS, Operations, Grimke]  
Nikki D. Stafford, Communications Div.  
[Lt. Kevin L. Stuart, Fire Fighting, E-24/2]  
Shirley L. Taylor, Communications Div.  
[BFC John Thumann, Fire Fighting, Bat 3/3]  
Lt. Hattie B. Tompkins, EMS, EMS Supervisor, E-16  
Debbie Trimiari, Communications Div.  
F/F Christopher J. Tumer, Fire Fighting, E-27/4

MENTAL HEALTH PROFESSIONALS

D.C. Government Employee Assistance Program (EAP)  
1-800-841-7406 (24 hours a day)

Carolyn Gravely-Moss (EMA) [(202) 673-2101 extension 1144]  
Mental Health Specialist, Licensed Social Worker

**NOTE: All CISM team members can be reached through the Communications Division, in case the phone number has changed.**

## **Section 5**

### **District of Columbia Government Employee Assistance Program (EAP)**

The District Government EAP is a professional and confidential support network. Assessment, counseling, and referral services will be rendered by private employee assistance providers. This program is designed to identify, motivate, and refer, at an early stage, those employees who need help with personal or medical problems that contribute to unacceptable job performance or behavioral problems. .

District Personnel Manual Instruction No. 20B-4, dated Septa 17, 1993, provides the procedures and guidelines for the services offered by the EAP. The authority for the program is both District personnel regulations and Mayor's Order 91-62, dated May 1, 1991.

Based on the foregoing, effective immediately it is the policy of this Department that all employees are eligible to participate in the District's program. Our Diversity Management Officer (DMO) will serve as the liaison to the EAP administrative office and will also coordinate EAP training workshops within the Department. Workshops will be scheduled periodically.

A program brochure and wallet-size card, which lists the 24-hour access phone number 1-800-935-9551 can be obtained from the DMO by calling (202) 673-3396.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**D.C. Office of Personnel**

**District Personnel Manual Issuance System**

This memorandum should be filed  
behind the divider for Part III of DPM Chapter 20B

DPM Instruction No. 20B-4

**SUBJECT:** Employee Assistance Program

Date: September 17, 1993

**1. PURPOSE**

This instruction sets forth the procedures of the District of Columbia Employee Assistance Program (EAP).

**2. AUTHORITY .**

D.C. Code § 1-621.7 (1992 Repl.), § 2050 of the D.C. personnel regulations, and Mayor's Order 91-62, dated May 1, 1991. .

**3. APPLICABILITY**

This instruction applies to all agencies under the administrative jurisdiction of the Mayor or other personnel authorities to whom the District provides EAP services through a written agreement.

The Employee Assistance Program is applicable to any employee in a covered agency, other than a temporary employee or any employee serving a probationary period under either § 813 of Chapter 8 or § 906.7 of Chapter 9, under the personnel authority of the Mayor.

**4. DEFINITIONS**

Disciplinary action-A corrective or adverse action as defined in Chapter 16 of the D.C. personnel regulations.

Employee Assistance Program (EAP)-An employee benefit service that is designed to identify, motivate, and refer, at an early stage, those employees who develop personal-medical problems that contribute to unacceptable job performance or behavioral problems. The program is established pursuant to D.C. Code § 1-621.7(3) (1992 Repl.).

Troubled employee-An employee whose personal problems (e.g., family/marital problems, financial difficulties, emotional problems, and substance abuse problems) are adversely affecting his or her overall work performance or conduct on the job.

Personal problem-Any and all kinds of human difficulties that contribute to a decline in job performance or behavioral problem(s).

EAP Administrative Staff-District of Columbia Office of Personnel (DCOP) staff who administer the District-wide Employee Assistance Program operations.

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Inquiries: Office of Compensation and Benefits, 727-9625

Distribution: Heads of Departments and Agencies, Personnel Officers, and DPM Subscribers

5. **POLICY STATEMENT**

The District of Columbia government recognizes that its employees may encounter personal problems (e.g., family or marital problems, financial difficulties, emotional or mental illness, substance abuse problems, etc.) that may adversely affect their overall work performance or conduct on the job. Therefore, it is the policy of the District of Columbia government to provide an Employee Assistance Program that is designed to address such problems, and is administered in the strictest CONFIDENTIAL manner pursuant to D.C. Code § 1-621.7(3) (1992 Repl.). This policy encourages all employee encountering such problems to voluntarily seek help for resolving their problem(s).

6. **RELATIONSHIP TO COLLECTIVE BARGAINING AGREEMENTS**

The provisions of a collective bargaining agreement will take precedence over these procedures to the extent that there is a difference.

7. **EMPLOYEE ASSISTANCE PROGRAM GUIDELINES**

The Employee Assistance Program (EAP) is not intended to prevent corrective or adverse action if an employee's performance or behavior warrants discipline. The EAP serves as an adjunct to disciplinary action only when the employee's work performance or behavior is deemed correctable, and does not impose a risk to the health, safety, security, and integrity of the District of Columbia government. However, participation will not preclude disciplinary action when such action is indicated.

- (a) The program is designed to address the needs of employee suffering from all types of behavioral, emotional and physical problems that are adversely impacting job performance or behavior on the job (e.g., family, marital, financial, emotional, and substance abuse problems). Consequently, counseling and reasonable accommodations should be given to employee having other types of illnesses (e.g., heart problems, cancer, and other debilitating illnesses) that may affect job performance. Additionally, employee who seek assistance for substance abuse problems are entitled to treatment and reasonable accommodation pursuant to the Rehabilitation Act of 1978 (29 U.S.C. 504) and the Drug Free Workplace Act of 1988, Pub. L. 100-690, 102 Stat. 4304 (1988).
- (b) Whenever employees refer themselves, or are voluntarily referred to the EAP, records pertaining to the employee's participation will be kept in strictest confidence and separate from official personnel folders in accordance with the D.C. personnel regulations, Chapter 31, Records Management and Privacy of Records.
- (c) Referrals to the EAP will be kept in the strictest confidential manner. Any supervisor, manager, or employee who breaches the confidentiality of an employee's participation in the EAP will be subject to disciplinary action in accordance with Chapter 16 of the D.C. personnel regulations.
- (d) Assessment, counseling, and referral services will be rendered by private employee assistance providers under contractual agreement(s) with the District government. This procedure will allow confidential, professional, accessible and affordable services to be provided to employees in need. These providers will be located in facilities which do not house District government offices. At no point will supervisors be authorized to diagnose or recommend professional treatment resources for employee with personal problems or illnesses.

- e. When professional treatment is required, including inpatient care for addiction or mental illness, leave will be granted for treatment or rehabilitation on the same basis as granted for other health problems.
- f. Two hours of administrative leave may be granted for an employee's initial EAP appointment.
- g. Each employee participating in this program will be expected to meet, existing work performance requirements and established personnel regulations. Nothing in this program is to be interpreted as a waiver of management's responsibility to maintain discipline or the right to take disciplinary action where appropriate.
- h. The program will inform and educate all employees of the PAP, its services; guidelines, and procedures. Additionally, the program will provide preventive activities in the form of free lunch-time workshops that will focus on such topics as: stress management, financial management, substance abuse, family crisis and intervention, eating disorders, sexual abuse, phobia, spouse abuse, etc.
- i. The program will conduct specialized EAP training for all supervisors and managers in the identification, documentation, consultation, and referral of employees encountering problems.
- j. The program will conduct specialized EAP training sessions for union representatives.
- k. The program will solicit union support and input on all new initiatives being implemented by the EAP.
- l. The program will address the special needs of the District government's multi-cultural work force.
- m. The program will form an Advisory Council consisting of key District government agencies and union representatives, EAP Administrators and Coordinators, and the DCOP's EAP Manager to provide ongoing support and input to the program.
- n. The program will meet the specific needs of the handicapped and women's health issues within the District government work force, where applicable.
- o. Participation in the program is not mandatory.

## **8. EAP REFERRAL PROCEDURES**

The two types of referrals that may be used for admission into the EAP are self-referrals and agency referrals.

### **a. Self-Referrals**

- (1) An employee who contacts the EAP on his or her own initiative, based solely on a personal decision to seek assistance, is considered to be a self-referral. Generally, job performance has not yet been affected, and intervention at this early stage is most advantageous for all concerned.
- (2) A self-referral will contact the EAP administrative office contractor directly for an appointment by calling (202) 727-6740.

- (c) A self-referral is notified of his or her appointment by telephone or through a formal appointment confirmation letter from the EAP administrative office. The letter will be sent to his or her home or wherever he or she requests it to be sent.
- (d) A self-referral who voluntarily seeks the services of the program, but wishes to maintain his or her privacy, should arrange for an initial assessment session on his or her own time, during lunch period, before or after duty hours, or during periods of approved leave. A self-referred employee who informs his or her supervisor of his or her initial assessment appointment with the EAP may receive administrative leave for his or her appointment. The employee may request an appointment verification form from the EAP administrative office to be given to the supervisor as proof of the appointment. (See Attachment 1.) Whenever an employee is requesting administrative leave, it is the supervisor's right to request verification of an appointment.
- (e) If additional time is needed for further assistance beyond the initial assessment session (e.g., inpatient care, therapy, or medication schedule), the employee must request leave (sick, annual, compensatory time, leave without pay, or attend during off-duty hours) as specified in DPM Chapter 12, Part II.
- (f) Follow-up on self-referrals will be conducted with the employee and the contractor ONLY. No written or oral information will be shared with anyone unless the employee so requests in a signed EAP release of information form. (See Attachment 2.) However, the employee will be encouraged to permit the EAP staff to contact the supervisor when necessary. For example, if a treatment plan is agreed upon by the employee, it may require special leave negotiation between the employee and management of the agency.

**b. Agency Referrals**

- 1. Management or supervisory referral deals directly with the critical link between personal problems and declining performance or conduct. The employing agency is to refer an employee to the EAP for assessment and referral as soon as problems are manifested which adversely affect the employee's job performance or conduct. This referral should be made before or concurrent with disciplinary steps, depending upon the severity of the personnel infraction.
- 2. Employer-referred appointments will be requested by the supervisor in the form of an official referral letter which is accompanied by a completed EAP Supervisory Referral form (Attachment 3) or, in emergency situations, by telephone in order to expedite the referral. In emergency situations, the supervisor is still responsible for sending the appropriate documentation (i.e., referral letter and form) to the EAP administrative office/contractor by the next working day.
- 3. If an emergency situation causes disruption at the work site, and there is reasonable cause to believe that the employee's conduct constitutes an immediate hazard to the agency, to the employee concerned, to other employees, or to the detriment of the public health, safety, or welfare, the employee may be given immediate administrative leave in accordance with Chapter 16 (~ 1604.28, D.C. personnel regulations). In lieu of this, employees may request to use their accrued leave in accordance with Chapter 12 of the D.C. personnel regulations.
- 4. An employee who is referred by his or her supervisor to the EAP will be excused from work for up to two hours to attend his or her initial assessment and referral session.

with no charge to his or her leave. This time is to be charged to administrative leave. No initial assessment and referral session will last longer than two hours. However, if the employee fails to return to work in a reasonable amount of time, the supervisor may contact the EAP administrative office for verification of the employee's arrival and departure time from his or her initial assessment and referral session: If it is found that the employee has violated leave privileges regarding the EAP appointment, the supervisor will take the necessary actions in accordance with Chapter 12 or 16, based on the circumstances surrounding the violation.

51. Employees may request sick leave, if appropriate, for subsequent visits. However, if sick leave is exhausted, they may request annual leave, compensatory time, or leave without pay in accordance with DPM Chapter 12, Part II.
- (6) The EAP administrative staff will conduct employee follow-up inquiries with the EAP contractor to ascertain treatment progress or lack thereof. In order to receive services, agency referrals are required to sign a release of information form at the time of their initial assessment session, allowing disclosure only as to their participation.
- (7) The supervisor or manager referring an employee to the program will be provided with an employee status report (Attachment 4) limited to: notification and adherence to appointments; no-shows; dropouts; and active or inactive participation in the recommended plan. No information regarding the type of diagnosis will be disclosed.
- (8) If an employee through an agency referral completes treatment successfully, or fails to follow the prescribed recommendation of the EAP contractor, or for some other reason is not in need of assistance, the employee will no longer remain in an EAP active client status. The EAP administrative staff will inform the referring agency of the employee's status.

## 9. FINANCIAL RESPONSIBILITY

- a. The cost of the initial assessment, counseling, and referral session with the EAP contractor will be paid in full by the District government only to the extent it is not covered by the employee's health insurance carrier. An employee who is a member of a Health Maintenance Organization or who does not have health insurance coverage will be covered in full for the initial assessment session with the EAP. The employee will assume the financial responsibility for further assistance needed beyond the initial assessment session through third party reimbursement or payment, use of facilities that offer sliding fee scale, self-help groups, or other reasonable arrangements, to the extent possible.
- b. The EAP is designed to provide a range of treatment options, both public and private, in its efforts to provide quality and affordable treatment.

## 10. EMPLOYEE ASSISTANCE PROGRAM ADMINISTRATION RESPONSIBILITIES

- a. **Contractual Assessment, Counseling, and Referral Services to District of Columbia Government Employees**

1. Through the use of a contracted employee assistance program provider(s) the District government will provide assessment, counseling and referral services to its employees at facilities located throughout the Washington Metropolitan Area (inclusive of Northern Virginia and surrounding Maryland counties). The contractor will provide assessment of the problem, corrective and short-term counseling, and assistance in the

determination of the appropriate treatment facility, where applicable. The EAP will monitor all referrals by the contractor to other treatment facilities. The role of the contractor(s) will be to:

- \* receive referral from the EAP administrative office;
- \* diagnose the problem;
- \* educate the employee on the resources available to assist him or her in resolving the problem(s);
- \* refer the employee in need of further assistance to the most appropriate resource(s) available and ensure his or her acceptance into a treatment program;
- \* provide the employee with options regarding selection of treatment program(s), taking into consideration the type of problem to be treated as well as the employee's health insurance coverage, geographic location, and financial means;
- \* monitor treatment programs of employee;
- \* provide periodic review on employee progress to EAP staff as requested;
- \* submit monthly reports to the EAP on District government employee utilization of services; and
- \* handle all referrals in a timely, professional, and CONFIDENTIAL manner.

- (b) The contractor(s) will have professionals on staff who are trained, licensed, and certified. The contractor will also have bilingual counselors, working in the areas of diagnosis and treatment of performance, behavior, and health problems.

**b. Scheduling of Appointments**

- (a) When an employee, supervisor, or manager contacts the LAP administrative office regarding the need for assistance for a troubled employee, an EAP staff member will obtain information that is pertinent in determining the employee's need. Information will include the following

- \* employee's name
- \* home address
- \* work and home telephone numbers
- \* social security number
- \* work location of employee
- \* employee job classification
- \* grade level of employee
- \* length of service with D.C. government
- \* work shift (inclusive of days am)
- \* description of job performance deficiency or conduct
- \* documentation relative to the referral is to be attached to written referral request (i.e., leave record, memorandums, reprimands, etc).

- (2) Following the assessment of information acquired, the EAP administrative staff/contractor will make the appropriate arrangements for the employee's initial assessment, counseling, and referral session with the contractor.

**c. Contractor's Assessment, Counseling, and Referral Services (Monitoring and Follow-up Activities)**

Following the appointment date, the contractor will contact the LAP administrative staff to share information regarding the employee referred. Such information will include: (1) whether or not the employee was seen; (2) whether or not the employee has agreed to

follow the recommendations of the contractor; (3) schedule of follow-up visits; and (4) anticipated follow-up visits.

d. EAP Administrative Staff (Monitoring and Follow-up Activities for Agency Referrals)

- (1) The EAP staff member responsible for the employee's case will contact the supervisor or manager to share only information related to whether or not the employee was seen by the assessing agency, if a plan for further assistance was established, and if the employee had agreed to follow the recommended plan. Follow-up services with the employee will be provided to see if he or she is satisfied with the treatment source and plan recommended.
- (2) Follow-up activities will be conducted with the supervisor and the employee within six months following EAP participation to determine the employee's work status and progress.

e. EAP Administrative Staff (Monitoring and Follow-up Activities for Self-Referrals)

Refer to paragraph 8a(6) of this instruction.

f. Record-Keeping System and Confidentiality

- (1) All individual employee case files, maintained by the EAP administrative office, will be marked CONFIDENTIAL and will be located in a place that assures maximum security. The system will maintain the degree of record security required under the provisions of the Privacy Act of 1974, 5 U.S.C. 522a, and the federal regulations on Confidentiality of Alcohol and Drug Abuse Patient Records (42 CM Chapter I, Subchapter A, Part 2), and the D.C. personnel regulations, Chapter 31, Records Management and Privacy of Records. The EAP staff will adhere to the highest level of professional standards regarding client confidentiality.
- (2) Supervisors and managers will be required to keep, all information (e.g., letter requesting assistance, EAP referral form, EAP appointment letter(s), and follow-up letter(s) regarding an employee's participation in the program) separate from the employee's official personnel folder. This information will be kept in a secure manner by the supervisor or manager and no other staff person is to be allowed access to this information. The supervisor, the manager, or both will be held accountable for the confidentiality of the information contained and all oral and written information associated with the referral.

(g) Procedures for Release of Information

Only the employee can authorize the release of information concerning his or her participation, diagnosis, prognosis, and treatment through the EAP. When an employee signs a confidentiality release form, the employee is allowing full or partial disclosure of the information as the circumstances are indicated on the form. In order to release the information, a release form must be signed by the employee and sent to the EAP, the EAP contractor, or the treatment person or agency, and must include all of the following:

- (1) Name of the employee.
- (2) Name or title of person or organization to which disclosure is to be made.

- (c) A statement on the release form of exactly what information is to be provided to the person(s) listed on the form.
- (d) Purpose or need for the disclosure.
- (5) Extent or nature of information to be disclosed.
- (6) Duration of disclosure permission:
  - \* a statement that the consent is subject to revocation at any time but is not retroactive; and
  - \* a specification of the date, event, or condition upon which the consent will expire without the express revocation. The duration of the consent will be limited to that required to accomplish the purpose for which it was given.
- (7) Date on which the consent form was signed.
- (8) Signature of the employee.

11. **SUPERVISOR/MANAGER/UNION REPRESENTATIVE TRAINING**

- (a) Supervisors and managers are responsible for identifying and documenting deteriorating job performance or conduct on the job, as well as assisting employee in seeking help to resolve problems. Their knowledge about problems such as alcoholism, drug abuse, and other personal problems is not the key factor, but their knowledge of the accepted and proven methods of dealing with these problems is crucial. Union representatives are responsible for protecting the interest of employees and for encouraging the emotional and physical well being of employee. In recognition of this, the LAP in a joint effort with the contractor have developed specialized training courses to enhance the knowledge and skills of managers, supervisors, and union representatives in handling employees with problems. This training will include but not be limited to the following:
  - \* orientation of the EAP and its services
  - \* how to recognize that a problem exists and that the employee's work performance or conduct on the job is deteriorating
  - \* general principles of crisis management
  - \* how to identify high risk employees
  - \* how to document the problem
  - \* how to conduct an effective consultation with an employee who has a problem
  - \* how to take appropriate actions in regard to poor job performance and conduct on the job (i.e., referral to EAP or disciplinary actions)
  - \* how to help the employee become readjusted to the work environment following treatment
- (b) The initial EAP supervisory or union training will be a one-day, eight-hour course covering the above. Refresher courses will be conducted on new techniques in the field of EAP's, as well as any changes in the District government's EAP, as needed. Additionally, there will be a two-hour EAP training module for managers of the supervisors trained in order to assist managers in understanding the EAP concept, policy, guidelines, and procedures, as well as to help managers understand what their supervisors have been taught and to alleviate any managerial resistance in allowing supervisors to make referrals to the EAP.



12. **EMPLOYEE NOTIFICATION AND ORIENTATION**

- (a) District government employees will be notified of the revised EAP through print and electronic media.
- (b) LAP orientation will be included as part of the overall orientation program for all newly hired District government employees.

13. **ROLES AND RESPONSIBILITIES**

a. Supervisors:

- (a) Be alert to changes in work performance and unusual behavior of all personnel under their supervision. Such changes may be in the form of:
  - absenteeism and tardiness
  - an-the-job absenteeism (leaving work station)
  - extended lunch periods
  - early departures
  - substantial decrease in quality and quantity of work
  - alternate periods of high and low productivity
  - frequent mistake
  - impaired judgment and memory
  - frequently misted deadlines
  - inability to concentrate
  - unusually sensitive and critical of advice or constructive criticism
  - frequent mood swings
  - frequent accidents on the job
  - carelessness
  - abrasiveness with supervisor and/or co-workers
  - sleeping or nodding on the job
  - nervousness
  - physical assaults (or threatening)
  - exaggerated self-importance
  - making incoherent or irrelevant statements
  - frequent outbursts of crying
  - excessive number of personal telephone calls
- 2. Maintain written records of performance or behavior where it does not meet expected standards or where individual patterns of performance or behavior appear to be deteriorating. Document the date, time, place, and the nature of the incident.
- (c) Conduct a consultation session with the employee when unsatisfactory work performance or behavior warrants it. Review documentation of absences, memoranda regarding work performance, or attitudinal and behavior problems. The supervisor or manager should use as many alternatives or solutions as are available to solve the performance or behavioral problem(s). However, if performance or behavior is not modified through these methods, then the supervisor or manager should at that time refer the employee to the LAP. The employee will be reminded that it is the policy of the District government to offer assistance to any employee who may have a problem. The program will be explained and the employee encouraged to take advantage of its services. If the employee desires assistance, refer as appropriate. Additionally, if the supervisor is of the opinion that the employee is in need of immediate assistance, then

the employee should be referred to the program at once. In cases of an emergency or urgent nature, an appointment will be scheduled immediately, usually within 24 hours of the initial request.

- (4) Continue documentation of work performance or conduct.
- (e) Notify the employee that he or she will be referred to the EAP if unsatisfactory work performance or behavior continues after the employee has been given the opportunity for voluntary referral to the EAP, or to seek assistance from a private source. In any case, there is a possibility that disciplinary actions will be taken should substandard work performance and poor conduct continue. It should be noted that no employee can be disciplined for not attending an EAP appointment since the program is not mandatory. The employee can be disciplined only in accordance with Chapter 16 of the D.C. personnel regulations.

b. **Agency EAP Coordinators:**

An EAP coordinator will be appointed in each agency by the agency head and will serve as a liaison to the EAP administrative office. The agency head will provide the Director of Personnel with the name, title, work address, and telephone number of the person appointed to serve in this capacity. The role and responsibilities of the EAP Coordinator are:

- (1) Assist in providing information on the EAP to employee and management staff.
- (2) Recommend the EAP to supervisors and managers seeking advice on assisting employees encountering personal hardships or problems that adversely affect their job performance or behavior.
- (3) Coordinate EAP supervisory training workshops within their agency.
- (4) Assist in the promotional activities of the program through EAP brochure distribution, ensuring that EAP posters are visibly displayed within their agency, as well as having EAP news releases incorporated into agency newsletters.

c. **EAP Administrative Staff:**

- (a) Explain and interpret the policy, guidelines, and procedures to all employees.
- (2) Serve as liaison between the District government and the contract EAP provider(s).
- (3) Consult with supervisors, managers, and union representatives regarding referrals, where appropriate.
- (4) Schedule appointments with the contractor.
- (5) Monitor the performance of the contractor by conducting periodic site visits to counseling sites to discuss methods of referral and treatment, and to assure a smooth flow in paperwork and reporting requirements.
- (6) Follow up on the status of individual cases.

- (g) Maintain confidential records for adequate documentation of program participation and observance of all regulations of confidentiality in the handling of participants in the program.
  - (h) Coordinate, facilitate, and monitor EAP supervisory, managerial, and union training.
  - (i) Serve as technical consultant on all EAP related issues to management, supervisors, employees and the unions.
  - (j) Conduct new employee orientation and employee health education programs for District government employees.
  - (k) Prepare statistical and analytical reports on EAP utilization.
  - (l) Develop and implement an evaluation program that will be able to provide data to determine the effectiveness and efficiency of the program.
- d. **EAP Contractor:**
- (a) Assist referred employees in identifying chemical dependency, or other personal and health related problems.
  - (b) Provide correctional counseling to referred employee who are diagnosed as not having any personal or health problems in need of treatment but whose behavior is affecting their overall work performance.
  - (c) Identify community or area resources available to provide treatment of such problems resulting from personal and health related problems (e.g., alcoholism, drug abuse, stress, mental health, financial, family, and marital).
  - (d) Present referred employees with thorough descriptions of public and private resources that exist within the employee's area to provide services needed.
  - (e) Aid the referred employee in understanding differences between alternative service providers, as well as treatment philosophy and modality, cost, waiting list, eligibility of insurance or other third party reimbursement, managed care requirements and other pertinent facts to insure that the employee fully understands what he or she can expect from the treatment person or facility he or she may select.
  - (f) Arrange appointments with other service providers to provide treatment to referred employees.
  - (g) Provide for emergency and 24-hour, 7-day-a-week assessments and referral services of District government employees.
  - (h) Prepare referred employee for the experience of working with the service provider to insure the fullest possible utilization of such services.
  - (i) Provide referred employee with guidance on using their health benefits plans to ensure that any pre-certification requirements are met.
  - (j) Provide follow-up information to the EAT administrative office on employees referred for assistance.

- (11) Maintain confidential records including correspondence relating to the assessment a referral of District government employee.
- (12) Provide monthly reports and other reports to the EAP administrative office as required.
- (13) Coordinate data collection regarding treatment and intervention of referred employees with other service providers utilized.

15. **RELATIONSHIP BETWEEN DCOPS EAP AND AGENCY EAPS**

- (a) All agency EAPs must address personnel issues relating to the troubled employee in accordance with applicable personnel regulations.
- (b) Other personnel authorities may enter into a written agreement with the Director of Personnel to provide LAP services for their employees. However, employee of these personnel authorities are subject to its procedure.
- (c) The Director of Personnel will establish the rate for participation in the EAP based on the number of eligible employee within each agency utilizing program services and the overall program operation and contractual costs for each fiscal year.
- (d) The Director of Personnel may authorize the establishment of other employee assistance programs in the District government and ensure their consistency with the provisions contained herein.

Attachment 1: EAP Appointment Verification Form

Attachment 2: EAP Consent for Release of Confidential Information Form

Attachment 3: EAP Supervisory Referral Form

Attachment 4: EAP Agency Follow-Up Letter

DC GOVERNMENT  
EMPLOYEE ASSISTANCE PROGRAM  
APPOINTMENT VERIFICATION FORM

This is to serve as an official notification that \_\_\_\_\_

[ ] is scheduled for an appointment with the EAP on \_\_\_\_\_ at \_\_\_\_\_ am / pm

[ ] has attended his/her scheduled appointment with the EAP on \_\_\_\_\_ at  
\_\_\_\_\_ am / pm.

\_\_\_\_\_  
Employee Assistance Program Counselor

\_\_\_\_\_  
Date

COPE, Inc.

202-628-5240

1-800-841-7406

fax: 202-628-5111

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District Government  
EAP

## Consent for Release of Confidential Information

Name: _____	Case #: _____
<p>I do hereby authorize the District of Columbia Government Employee Assistance Program to disclose to _____  <i>(Name of Program, Organization, or Person to Whom Disclosure is Made)</i></p> <p>the following information _____  <i>(Extent and/or Nature of Information to be Disclosed)</i></p> <p>_____</p> <p>_____</p> <p>for the purpose of _____  <i>(Purpose or Need for Disclosure)</i></p> <p>_____</p> <p>_____</p> <p>I understand that my records are protected under the Privacy Act of 1974, and if a Federal government employee, the Federal Civilian Employee Alcoholism and Drug Abuse Confidentiality of Records (42 CFR Part 2). I understand that information about me cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time, except to the extent that action has been taken in reliance on this informed consent. I understand that even if I do not withdraw the consent that this statement of consent shall automatically expire on:</p> <p>_____</p> <p style="text-align: center;"><i>(Specific Date or Circumstance Under Which Consent Will Expire)</i></p> <p>Signed on the _____ day of _____, 19 _____  <i>(Date) (Month) (Year)</i></p>	
Print Name of Employee:	Signature of Employee:
Print Name of Witness (EAP Staff):	Signature of Witness:

Confidential

District Of Columbia Employee Assistance Program

Supervisory Referral Form

**General Instructions:** The purpose of this form is to provide information to the employee Assistance Program (EAP) regarding an employee’s poor work performance when there is reason to believe that the cause may be due to a personal/health/behavioral problem. It is important that you fill in the information requested to the best of your knowledge, limiting your responses to the facts, not hearsay and/or assumptions. This information will serve as a means of assessing the employee’s problem and will help the EAP to determine the necessary steps needed in assisting the employee in alleviating his or her problems.

**Important Note:** This form should **ONLY** be completed by the person making the referral.  
(Please Print In Ink Or Type)

Referral Date\_\_\_\_\_

Employee’s Name:\_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ (optional)

Home Address: \_\_\_\_\_

City

State

Zip Code

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ EOD: \_\_\_\_\_

Position Title: \_\_\_\_\_ Grade: \_\_\_\_\_

Department / Agency: \_\_\_\_\_

Employee’s Work Location \_\_\_\_\_

Shift: \_\_\_\_\_ To: \_\_\_\_\_ Days Off: \_\_\_\_\_

Referred By: \_\_\_\_\_

Title: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Reason For Referral**

You are instructed only to fill out the sections below that are relevant to this referral with regard to the employee’s performance in the past six months. If sufficient space is not available, please attach a supplemental sheet.

ATTENDANCE

_____ Number of Days Absent	_____ Number of Extended	_____ Patterns (if any)
_____ Reasons if Known	_____ Lunch periods	
_____ Number of Late Occurrences	_____ Unusual Excuses for Absences	_____ Number of Early Departures

List type of reasons given (use additional paper if necessary)\_\_\_\_\_

\_\_\_\_\_

Frequently Leaves Work Station

Other (Specify)\_\_\_\_\_

(e.g., to go to restroom, water fountain, etc.)

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JOB PERFORMANCE

Lower Quality of Work	Erratic Work Patterns	Decreased Productivity
Failure to Meet Schedules	Increased Errors	Impaired Judgement/Memory
Inability to Concentrate	Inability to get along with co-workers, customers, managers	
Other (Specify) _____		

Reasons given: \_\_\_\_\_  
\_\_\_\_\_

BEHAVIORS DEMONSTRATED

Avoids Supervisor or Co-workers	Loss of Interest or Enthusiasm	Unusually Sensitive or hostile to Advice or Constructive Criticism
Less Communicative	Frequent Mood Swings	Other (Specify)
Disregard for Safety Supervisor/Co-workers	Unusually Critical of Supervisor/Co-workers	

Have the above observations been discussed with the employee?    Yes    ] No  
If yes, when? \_\_\_\_\_ If no, why not? \_\_\_\_\_

Have these observations been recorded and filed?    [    Yes    No  
If yes, attached all relevant documents to this referral.

Has a corrective and/or warning interview taken place?    Yes    ] No  
If yes, when? \_\_\_\_\_ What were the results of the interview? (e.g., Letter of Warning, suspension, etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Manager has discussed need to receive confirmation of appointment with EAP counselor and asked employee to sign a release for that purpose?    [    ] Yes    [    ] No

Signature of Referring Person	Date
Employee's Signature	Date

District of Columbia Government  
Employee Assistance Program  
COPE, Inc.  
(202) 628-5240  
1-800-841-7406  
Fax (202) 628-5111

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Name of Supervisor  
Title  
Address

Dear:

The purpose of this letter is to provide you with the status of \_\_\_\_\_  
participation in the District Government's Employee Assistance Program (EAP).

The Employee:

- ☐ kept the initial EAP appointment of \_\_\_\_\_
- ☐ did not contact the EAP counselor
- ☐ did not keep the initial EAP appointment of \_\_\_\_\_
- is following through with the EAP recommendations
- ☐ is not following through with the EAP recommendations
- ☐ has dropped out of the EAP
- ☐ completed all recommendations of the EAP

Comments:

\_\_\_\_\_  
Employee Assistance Program Counselor

cc: employee (sent to home address/marked confidential)

COPE, Inc.

202-628-5240

1-800-841-7406

fax: 202-628-5111

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## **Section 6**

### **Sexual Harassment**

#### **PURPOSE**

The purpose of this section is to establish clearly and unequivocally that the policy of the District of Columbia Fire and EMS Department prohibits sexual harassment by and of its employees in any form and, to establish procedures by which allegations of sexual harassment may be filed, investigated, and adjudicated so that all work sites within the Department will be free from sexual harassment.

#### **AUTHORITY:**

Mayor's Memorandum 92-16, June 8, 1992, Equal Employment Opportunity (EEO) Rules Governing Complaints of Discrimination in the District of Columbia Government, District of Columbia Register, (31 DC7R 56(1984), hereinafter cited as EEO Rule. Equal Employment Opportunity Commission's Sex Discrimination Guidelines, 29 C.F.R 1604 issued November 1980; see Section 1604.11, Sexual Harassment.

#### **COVERAGE**

The provisions of this section govern the processing of all matters involving sexual harassment in connection with any aspect of the District of Columbia Fire and EMS Department.

The procedures set forth in this policy apply to matters presently pending or hereafter filed with the Department.

Sexual harassment is a form of sex discrimination which is prohibited under District of Columbia laws and regulations, including this section

#### **POLICY**

It is the policy of the District of Columbia Fire and EMS Department to maintain an employment environment free of sexual harassment. Sexual harassment by any employee is prohibited.

The provisions of this section mandate compliance by all employees (uniformed and non-uniformed personnel) of this Department.

Prevention is the best tool for the elimination of sexual harassment in the work place.

All employees will be held accountable for their actions or lack of actions relative to sexual harassment.

All allegations of sexual harassment shall be fully investigated and corrective or disciplinary action, up to and including dismissal from employment with the Department, shall be taken as warranted.

**SEXUAL HARASSMENT WILL NOT BE TOLERATED IN THIS DEPARTMENT.**

**DEFINITION:**

Sexual harassment shall include unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature when any one or more of the following additional factors is applicable to the unwelcome conduct:

1. Submission to unwelcome sexual conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. Submission to or rejection of the unwelcome sexual conduct by an individual is used as a basis for employment decisions affecting that individual; or
3. The unwelcome sexual conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

This definition of sexual harassment includes acts that may be psychologically coercive as well as acts of physical abuse. Sexual harassment may take many forms including, but not limited to:

1. Verbal abuse, e.g., telling sexual jokes/stories, making sexual comments about an employee's anatomy, turning work discussions to sexual topics, asking personal questions about co-worker's sexual life, etc.;
2. Subtle pressure or requests for sexual activity;
3. Unnecessary touching of an individual, e.g., patting, pinching hugging repeatedly brushing against another employee's body;
4. Requesting or demanding sexual favors accompanied by implied or overt promises of preferential treatment relative to employment related decisions and/or status;
5. Visual forms of harassment, e.g., sexually derogatory posters, letters, poems, graffiti, cartoons, drawings, tapes, movies, and magazines.

Sexual harassment does not refer to occasional compliments. It refers to behavior which is not welcomed, which is personally offensive, which debilitates morale, and which interferes with the

work effectiveness of its victims and their co-workers. Sexual harassment is not gender specific. The victim, as well as the harasser, may be male or female and does not have to be of the opposite sex.

**GENERAL REQUIREMENTS AND COMPLAINT PROCEDURES:**

A complaint or allegation of sexual harassment may be filed directly either with the Fire and EMS Department or the Department of Human Rights and Minority Business Development. The bringing of a complaint or allegation of sexual harassment to the Fire and EMS Department, shall not bar nor preclude the complainant from filing a complaint or allegation with the Department of Human Rights and Minority Business Development and/or with the United States Equal Employment Opportunity Commission

Note: Department of Human Rights and Minority Business Development  
One Judiciary Square, 441 4th St., N.W.  
Washington, D.C. 20001  
Ninth Floor - (202) 724-1385

United States Equal Employment Opportunity Commission  
1400 L St., N.W.  
Washington, D.C. 20005  
Suite 200 - (202) 275-7377

Allegations of sexual harassment shall be fully investigated, and corrective or disciplinary action taken if warranted

A complainant (employee) shall be required to swear or affirm that the facts stated in the complaint are true to the best of his/her belief, knowledge, or information.

Only complaints or allegations of sexual harassment of a D.C. government employee that concern incidents which occurred within a period of one year immediately prior to the date the complaint is filed shall be considered. Further, complaints or allegations of sexual harassment filed by a former employee, who left employment with the Department because of sexual harassment, if filed within 180 days of separation from the Department, and which are directed against a person who, at the time of filing, is a District government employee, shall be investigated.

The complaint file, including all pertinent information and documents, shall be confidential.

In the event an employee believes that he/she has been the victim of sexual harassment, the employee shall contact the Fire and EMS Department Diversity Management Officer (DMO), or an Equal Employment Opportunity (EEO) Counselor if it is more appropriate for the situation,

within 24 hours of the alleged incident.

The complainant should be prepared to provide valid documentation and information offering a detailed account of the incident including, names, dates, times, places, and witnesses.

### **INVESTIGATION AND RESOLUTION:**

Within two calendar days of receipt of a complaint of sexual harassment, the DMO by authority of the Fire Chief, shall appoint an investigator (EEO Counselor) to fully investigate the complaint.

The investigation will include, but not be limited to, taking statements from all who may have knowledge or information concerning the matter under investigation. There will be no retaliation against employees for reporting sexual harassment or assisting the Department in the investigation of a complaint. However, failure of employees to cooperate may result in corrective of disciplinary action.

Within 21 days or less of his/her appointment, the investigator shall submit a fill report including findings and recommendations. This report shall be forwarded to the DMO. The DMO shall convene a meeting with the investigator to review the findings and recommendations, and to determine a course of action to resolve the matter.

The DMO shall convene separate meetings with the complainant and the person against whom the allegations are made. The purpose of these meetings is to inform both parties of the facts and findings and the proposed course of action to be taken to resolve the matter. Also, at this time, again both parties will be advised of their rights pursuant to the provisions governing complaints of sexual harassment.

If a resolution is not accomplished, the DMO may, if warranted, order further investigation, provided, that this is not objected to by the complainant, who could elect to proceed with the filing of the complaint directly with the Director, Department of Human Rights and Minority Business Development, or with the U.S. Equal Employment Opportunity Commission.

Also, if a resolution cannot be reached within the Department, within 60 days, the Fire Chief shall refer the complaint to the Department of Human Rights and Minority Business Development, pursuant to EEO Rule 118.11, 31 DCR 56.

The above provisions do not preclude the Fire Chief from taking appropriate corrective action against guilty perpetrators, as well as an employee or supervisor who provides false information.

## **Section 7**

### **Americans with Disabilities Act Program**

The requirements of Title II of the Americans with Disabilities Act (ADA) is applicable to District of Columbia Government agencies. Title II of the ADA prohibits state and local governments from discriminating on the basis of disability in sponsored activities, programs, benefits and services. The ADA extends the prohibition of discrimination in federally assisted programs established by Section 504 of the Rehabilitation Act of 1973, Public Law 92-112 as amended, to all state and local government sponsored activities, including those activities, programs, benefits and services that do not receive federal financial assistance.

In accordance with Mayor's Order Number 94-138, dated May 25, 1994, and with the American with Disabilities Act of 1990, the agency's EEO Officer, Ms. Fredreika W. Smith, is designated as the agency's ADA Coordinator and Captain Geoffrey P. Grambo is designated as alternate coordinator. They will be responsible for hearing and resolving

1. Grievances and complaints of noncompliance with ADA regulations and guidelines; and
2. Requests for reasonable accommodations.

Complaints or requests shall be submitted to:

Fredreika W. Smith  
1923 Vermont Ave., N W  
Washington., D C 20001

She can be reached on (202) 673-3396.

## **Section 8**

### **Derogatory, Pornographic and Sexually Explicit Material**

It is the policy of the Department to prohibit the use or display of derogatory, pornographic or sexually explicit material of any kind in any Department facility.

Derogatory' is defined as that information or posting which casts any ethnic or religious group, race, sex, lifestyle or belief in a negative light or which perpetuates negative stereotypes of any person or group, as set forth in this paragraph.

Given the diversity among employees of the Department, this prohibition is deemed essential to properly maintain order and discipline. As such, the posting of information or materials as set forth in the aforementioned paragraph is prohibited. Supervisors, as well as each employee, will be held accountable to ensure that derogatory, pornographic or sexually explicit material is kept out of the work place.

Supervisors will periodically inspect their immediate areas of responsibility for compliance.



## SPECIAL ORDER



Series	Number	Originating Unit	Effective Date	Expiration Date
2000	74	OFC	September 13, 2000	N/A

Subject:

### Display of Prohibited Material

As provided in Section 8 of Bulletin 18, the posting, display and distribution of derogatory, pornographic and sexually explicit materials are strictly prohibited. Supervisors are reminded that they are responsible for monitoring compliance with Section 8. Supervisors shall remove all derogatory, sexually explicit or pornographic materials which are openly displayed on the work premises as soon as they become aware of the display. These items may include pictures, cartoons, newsletters, magazines, jokes, or other printed matter posted on bulletin boards or attached to doors or walls, or openly displayed on desks or workstations.

Supervisors shall not permit the distribution of derogatory, sexually explicit or pornographic materials through official government channels. This includes distribution via agency E-mail, fax, mail, copier machine, radios, paging systems, computer systems, or otherwise.

Supervisors are directed to review Section 8 of Bulletin 18. For further guidance, supervisors may contact Ms. Fredreika Smith, Diversity Program Manager, at (202) 673-3396.

Ronnie Few  
Acting Fire/EMS Chief